



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

March 4, 2025

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of all parties in response to the Court’s order dated January 24, 2025 (ECF No. 213), directing the parties to provide a joint status report on the pending issue of attorney’s fees in this matter. The parties also jointly and respectfully request an extension of the briefing deadlines entered by the Court in its January 24 order.

Since the parties’ last report, Defendants have continued to pursue the approval process regarding a fully drafted settlement stipulation. While Defendants have made additional progress in this regard, and the parties have conferred further about how to achieve resolution, the process is not yet complete, for a number of reasons. First, since the last status conference, counsel for the Government has undergone multiple medical procedures, including a follow up surgery (and treatment for complications relating to that surgery) that were unscheduled and unanticipated when the parties last appeared before the Court. These unforeseen medical developments have significantly limited counsel’s ability to complete the approval process in this matter (and counsel has also been called upon to assist with other urgent docket demands that have arisen since late January). Further, additional personnel changes within the Government during the last several weeks have also affected the pending approval process; for example, counsel for one of the Defendant agencies was reassigned just this week. Counsel for the Government is working to bring that new agency counsel up to speed immediately.

The parties are very mindful of the Court’s admonition during the last status conference that this matter should proceed to a swift conclusion. To that end, the parties

continue to communicate and work together in good faith to hopefully avert the need to seek the Court's adjudication of a fees motion, and believe that their current efforts represent the most efficient path to resolution. In light of these circumstances, the parties jointly and respectfully seek an extension of the briefing deadlines currently set by the Court. Specifically, the parties request that Plaintiffs' deadline to file a motion for attorneys' fees be extended from March 11, 2025, to April 10, 2025; and Defendants' deadline to respond to that motion be extended from March 18, 2025, to April 17, 2025.

The parties thank the Court for its consideration of this matter.

Respectfully,

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Southern District of New York  
*Attorney for Defendants*

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